**IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH**

S.B. CIVIL WRIT PETITION NO.1624/05

Shyam Kumar Udesariya **Versus** RPSC & Anr.

DATE OF ORDER :: 05/04/2007

HON'BLE MR. JUSTICE AJAY RASTOGI

Mr. Bipin Gupta, for petitioner
Mr. S.N. Kumawat, for respondent-Commission

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With the consent of parties, the matter is finally decided at this stage.

Petitioner, who is member of Scheduled Caste category, participated in the process of selection initiated for the post of Teacher Gr.III in pursuance of advertisement dated 2nd June, 2004.

At the stage when he preferred writ petition, he was under impression that the Commission for their own reason has not declared his result despite the fact that he must be in the merit list. But after reply to the writ petition was filed by the Commission, it was clarified that his answersheet could not be scanned by computer for the reason that he has used ball pen, whereas there was instruction issued by the Commission widely circulated to all the applicants/participants in the selection process

that they have to use HP Pencil. On account of said reason, his answersheet could not have been scanned by computer and for this reason, has not been checked.

This Court on 17th April, 2006 after taking note of the facts of instant matter, passed a detailed order directing the Commission to check answersheet of petitioner manually and submit his result in sealed cover. In compliance of the order of this court dated 17th April, 2006, the Commission manually checked his answersheet and sealed cover envelope was placed before this court for perusal on 24th November, 2006 and after its perusal, the Court observed that the present writ petition has to be decided on merits.

Only grievance of petitioner after reply filed by respondent-Commission remains that his answersheet should have been checked which for good reason could not be scanned by computer.

It is expected from all the applicants/participants to go through the instructions before they attempt the question paper, but anyhow the applicants are coming from rural background and it will take time for them to be conversant with the present advanced technology.

Without going into merits at this stage any further, I direct the Commission to declare the

result of petitioner and if his name finds place in the order of merit, may be recommended to the Goverment for appointment. It is made clear that he will be entitled for his seniority as per his placement in the order of merit. Necessary orders in this regard be passed within one month. It is further made clear this order may not be treated as precedent in other matters.

With the above observations, the writ petition stands disposed of.

[AJAY RASTOGI],J.

FRBOHRA,JR.P.A.